

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

BERNARD G. ("GERRY") ROBERTSON,)	CV-06-93-BLG-RFC
)	
)	
Plaintiff,)	
)	
vs.)	
)	
)	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS OF
BNSF RAILWAY COMPANY,)	U.S. MAGISTRATE JUDGE
)	
Defendant.)	
_____)	

On February 6, 2007 United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends this Court dismiss this case pursuant to Fed.R.Civ.P. 41(b) for failure to comply with Court Orders.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the February 6, 2007 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Complaint (*Doc. 1*) is **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court shall notify the parties of the entry of this Order and close this case.

DATED the 5th day of March 2007.

/s/ Richard F. Cebull
RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE